IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 11.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Appeal No.2378 of 2001
& WAMP No.6389 of 2003

Dr.R.Devika ... Appellant/Petitioner

Vs.

1.Tamil Nadu Dr. M.G.R. Medical
University, rep. by its
Vice Chairman, Chennai-600 032.

2.Controller of Examinations,
Tamil Nadu Dr.M.G.R. Medical
University, Chennai-600 032. .. Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 25.09.2001 made in W.P.No.20299 of 1999. WP 20299/99 filed under Art 226 of the constitution of India to issue a writ of Mandamus directing the respondents to re-total the marks of the petitioner in respect of Practicals & Dissertation, bearing Regn.No.512 in part II M.D. (Obstetrics & Gynaecology) examination held in March 1998 and issue Fresh Mark Sheet accordingly.

For Appellant : Mr.N.G.R.Prasad

For Respondents 1 & 2 : Mrs.AL.Gandhimathi

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 25.09.2001 made in W.P.No.20299 of 1999, in and by which, the learned single Judge dismissed the said writ petition with an observation.

2. The appellant has approached this Court by way of writ petition seeking to issue a writ of mandamus directing the respondents to re-total the marks of the petitioner in respect of Practicals and

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Dissertation bearing Regn.No.512 in Part-II M.D. (Obstetrics & Gynaecology) examination held in March, 1996.

3. Before the learned single Judge the respondents-University filed a counter affidavit stating that the re-totalling was done as requested by the petitioner and the result of the same was furnished to the Head of the Institution even on 16.07.1998. In view of the information furnished, the learned single Judge, permitted the writ petitioner to approach the Head of Institution to get fresh mark sheet. Even before the learned single Judge it was brought to the notice by the respondents that the petitioner appeared again for the said subject and written the examination in March, 2000 and she failed. After recording the same, the learned single Judge dismissed the writ petition. Hence, the present writ appeal.

4. Mr.N.G.R. Prasad, learned counsel appearing for the appellant, by taking us through the details available at page 1 of the typed set, which is the copy of the Regulation of Tamil Nadu Dr. M.G.R. Medical University, Madras, Post Graduate (M.D.) Degree Clinical Courses 1993-1994, has contended that though in the writ petition the petitioner has approached for re-totalling, the respondents ought to have given separate marks for oral and dissertation. Inasmuch the request of the petitioner as pleaded in the writ petition has been complied with by the respondents as evidenced from the counter affidavit and the order of the learned single Judge, we are of the view that the grievance expressed by the learned counsel for the appellant cannot be gone into by this Court at this juncture. However, the appellant is permitted to make a representation highlighting her grievance to the respondents. If any such representation is made, the respondents are directed to consider and dispose of the same, if the same is permissible in law expeditiously.

5. With the above observation, the writ appeal is dismissed. No costs. WAMP No.6389 of 2003 is also dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

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To

1.The Vice Chairman,
Tamil Nadu Dr.M.G.R. Medical University,
32, Anna Salai, Guindy,
Chennai-600 032.

2.The Controller of Examinations,
Tamil Nadu Dr.M.G.R Medical University,
Chennai 600 032.

+1cc to Mr.A.L.Gandhimathi, Advocate Sr 36350
+1cc to M/s. Row & Reddy, Advocate Sr 36078

TEJ (CO)
km/25.8.

W.A.No.2378 of 2001

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